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Attorneys for Defendant/Counterclaimant
FINLEY ENGINEERING GROUP, INC.

**UNITED STATES DISTRICT COURT FOR
 THE SOUTHERN DISTRICT OF CALIFORNIA**

JEAN-CLAUDE DEMOSTHENIDY, an)
 individual doing business as INTERACTIVE)
 DESIGN SYSTEMS,)

Plaintiffs,

vs.

FINLEY ENGINEERING GROUP, INC., a)
 Florida corporation; DOES 1 through 10,)
 inclusive,)

Defendants.

Case No.: 07CV 2050WQH (BLM)

**REQUEST OF FINLEY ENGINEERING
 GROUP, INC. FOR TELEPHONIC
 APPEARANCE AT EARLY NEUTRAL
 EVALUATION**

DATE: January 14, 2008
 TIME: 1:30 p.m.
 DEPT.: C

**Honorable Barbara L. Major, United States
 Magistrate Judge**

AND RELATED COUNTERCLAIM

Defendant/Counterclaimant, FINLEY ENGINEERING GROUP, INC. ("Finley") respectfully submits the following request for telephonic appearance at the Early Neutral Evaluation, set for hearing on January 14, 2008 at 1:30 p.m. in the chambers of the Honorable Barbara L. Major, United States Magistrate Judge.

Finley conducts its business and its principal resides in the state of Florida. Finley's adjuster is venued in the state of New Jersey. Venue in this matter is in the Southern District of California because the software at issue was purchased from San Diego, California and shipped to Florida.

The expense to Finley and its carrier will be substantial by having to personally appear.

1 Finley's counsel will be present at the Early Neutral Evaluation. A telephonic appearance by Finley
2 and its adjuster will not prevent a meaningful evaluation of the case. The parties will still be able to
3 conduct an informal discussion of the matter in an effort to achieve an early resolution of the case.

4 Based on the above, Finley respectfully requests the Court to allow Finley and its adjuster to
5 appear telephonically at the Early Neutral Evaluation.

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7 Respectfully submitted,

8
9 DATED: December 17, 2007

BALESTRERI, PENDLETON & POTOCKI

10
11 By: 

KAREN ANDERSON HOLMES
TODD CRAIG SAMUELS
Attorneys for Defendant/Counterclaimant
FINLEY ENGINEERING GROUP, INC.

UNITED STATES DISTRICT COURT- SOUTHERN DISTRICT OF CALIFORNIA		COURT USE ONLY
ATTORNEY FOR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) Karen A. Holmes, Esq. (SBN 109520) Todd C. Samuels, Esq. (SBN 236854) BALESTRERI, PENDLETON & POTOCKI 401 B Street, Suite 1470 San Diego, CA 92101		TELEPHONE NO.: (619) 686-1930 (619) 497-1052 Fax
SHORT CASE TITLE DEMOSTHENIDY v. FINLEY		JUDGE: William Q. Hayes
ATTORNEYS FOR Defendant Finley Engineering Group, Inc.		CASE NO. 07CV2050WQH (BLM)

PROOF OF SERVICE BY ELECTRONIC TRANSMISSION

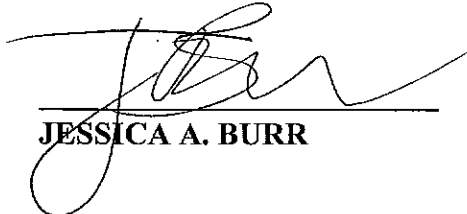
I, the undersigned, declare that I am over the age of eighteen years and not a party to the case; I am employed in, or am a resident of the County of San Diego, State of California; my business address is 401 B Street, Suite 1470, San Diego, California 92101.

On December 17, 2007, I served the following document(s) via ECF described as:

**REQUEST OF FINLEY ENGINEERING GROUP, INC. FOR TELEPHONIC APPEARANCE AT
EARLY NEUTRAL EVALUATION**

on designated recipients through electronic transmission through the ECF system, which notifies the parties. Upon completion of said transmission of said documents, a certified receipt is issued to filing party acknowledging receipt by ECF's system.

Executed on **December 17, 2007**



JESSICA A. BURR